

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Harold Rodriguez	Team: Squad #1	CCRB Case #: 201700516	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/04/2017 3:19 AM	Location of Incident: Atlantic Avenue and Grand Avenue	Precinct: 77	18 Mo. SOL 7/4/2018	EO SOL 7/4/2018	
Date/Time CV Reported Fri, 01/20/2017 12:44 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/20/2017 12:44 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Kenneth Anderson	20151	950001	077 PCT
3. POM Keenen Adamsedwards	10378	953617	077 PCT
4. An officer			
5. SGT Avinash Patel	05322	940551	077 PCT
6. POF Loreal Quiles	18489	959907	088 PCT
7. POM Matthew Russo	03660	949592	079 PCT
8. POM Larry Malcolm	14374	953039	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Michael Sinner	03674	934187	077 PCT
2. POF Jaynel Bassett	13702	951528	084 PCT
3. POF Lisa Santasieri	18596	958585	088 PCT
4. SGT Angel Polancodiaz	05440	939238	084 PCT
5. LT Ronald Cheng	00000	936340	077 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
6. POM Brian Mochrie	25039	947810	079 PCT
7. POM Adam Wright	30865	962880	DBBN OP

Officer(s)	Allegation	Investigator Recommendation
A.POM Keenen Adamsedwards	Force: Police Officer Keenen Adamsedwards fired his gun at § 87(2)(b)	
B.SGT Avinash Patel	Force: Sergeant Avinash Patel pointed his gun at § 87(2)(b)	
C.POM Kenneth Anderson	Force: Police Officer Kenneth Anderson fired his gun at § 87(2)(b)	
D.SGT Avinash Patel	Discourtesy: Sergeant Avinash Patel spoke discourteously to § 87(2)(b)	
E.SGT Avinash Patel	Force: Sergeant Avinash Patel used physical force against § 87(2)(b)	
F. Officers	Discourtesy: Officers spoke discourteously to individuals.	
G.POF Loreal Quiles	Discourtesy: Police Officer Loreal Quiles spoke discourteously to individuals.	
H.POF Loreal Quiles	Discourtesy: Police Officer Loreal Quiles spoke discourteously to individuals.	
I.POF Loreal Quiles	Off. Language: Police Officer Loreal Quiles made remarks to individuals based upon the gender of individuals.	
J. An officer	Force: An officer pointed his gun at § 87(2)(b)	
K. Officers	Force: Officers used physical force against § 87(2)(b)	
L. Officers	Force: Officers struck § 87(2)(b) with a baton.	
M.POM Larry Malcolm	Force: Police Officer Larry Malcolm restricted § 87(2)(b)'s breathing.	
N.POM Matthew Russo	Force: Police Officer Matthew Russo used physical force against § 87(2)(b)	
O.POM Matthew Russo	Abuse: Police Officer Matthew Russo threatened individuals with the use of force.	
P. Officers	Force: Officers struck § 87(2)(b) with a baton.	
Q. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	

Case Summary

§ 87(2)(b) called the CCRB on January 20, 2017 as a reporting non-witness. § 87(2)(b) reported the incident on behalf of her then-§ 87(2)(b)-old twin sons, § 87(2)(b) and § 87(2)(b).

On January 4, 2017, at approximately 3:15 a.m. § 87(2)(b) in Brooklyn. PO Kenneth Anderson, PO Keenan Adamsedwards and Sgt. Avinash Patel, assigned to the 77th Precinct, approached § 87(2)(b). § 87(2)(b) ran away and pointed his gun at the officers. PO Adamsedwards fired his service weapon at § 87(2)(b) (**Allegation A – Force:** § 87(2)(g)). Sgt. Patel pointed his service weapon at § 87(2)(b) but did not fire it (**Allegation B – Force:** § 87(2)(g)), and PO Anderson fired his service weapon at § 87(2)(b) (**Allegation C – Force:** § 87(2)(g)). § 87(2)(b) was struck by multiple bullets, fell to the ground, § 87(2)(b). After § 87(2)(b) fell to the ground, § 87(2)(b) tried to approach his body and Sgt. Patel told her, “back the fuck up; you see who the fuck I am?” and “back up like I fucking said.” Sgt. Patel then pushed her back (**Allegation D – Discourtesy:** § 87(2)(g)) (**Allegation E – Force:** § 87(2)(g)). A crowd formed and unidentified officers, including PO Loreal Quiles of the 88th Precinct, told the crowd to “back the fuck up” (**Allegations F and G – Discourtesy:** § 87(2)(g)) PO Quiles then said, “so fucking what?” and “Calm the fuck down.” and called individuals in the crowd “bitches” (**Allegation H – Discourtesy:** § 87(2)(g)) (**Allegation I – Offensive Language:** § 87(2)(g)). § 87(2)(b) tried to approach the scene and an unidentified officer pointed his gun at § 87(2)(b)'s head (**Allegation J – Force:** § 87(2)(g)). Officers brought § 87(2)(b) to the ground and handcuffed him. Several unidentified officers punched § 87(2)(b) while he was on the ground and hit him with batons (**Allegations K and L: Force –** § 87(2)(g)). PO Larry Malcolm, assigned to the 79th Precinct, placed his knee on § 87(2)(b)'s back and restricted his breathing (**Allegation M – Force:** § 87(2)(g)). PO Matthew Russo, assigned to the 79th Precinct, then punched § 87(2)(b) multiple times (**Allegation N – Force:** § 87(2)(g)). PO Russo also swung his baton at nearby civilians to keep them from approaching (**Allegation O – Abuse of Authority:** § 87(2)(g)). § 87(2)(b)'s friend, § 87(2)(b) fainted and unidentified officers swung their batons at him and missed (**Allegation P – Force:** § 87(2)(g)). Prior to placing him into a police vehicle, unidentified officers told § 87(2)(b) to, “Shut the fuck up” as he yelled about his brother (**Allegation Q – Discourtesy:** § 87(2)(g)). § 87(2)(b) was released with a § 87(2)(b) summons.

Surveillance Footage from Milk River Lounge and Best Burger Palace captured this incident and § 87(2)(b) (Board Reviews 01 – 06, 26, 27, 30 and 39). § 87(2)(b) also provided cell phone video that she recorded during § 87(2)(b)'s arrest (Board Review 07, 26 and 27). Body Worn Cameras were not utilized by the NYPD at the time of this incident.

This case was placed on hold by the Brooklyn District Attorney's Office on April 24, 2017. They requested that no officers be interviewed. On August 7, 2019, the Brooklyn DA's Office removed the hold and declined to prosecute the involved officers. The case was not presented to a Grand Jury. The NYPD's Use of Force Review Board found on April 1, 2019, that PO Adamsedwards and PO Anderson acted within department guidelines and there was no violation of department policy. No disciplinary measures were imposed. The shooting allegations were closed for Information and Intelligence (Board Review 48, page 41-45 of the FID case file). On March 12, 2020, Deputy Commissioner Kevin Richardson of the Department Advocate's Office blocked the CCRB from interviewing PO

Adamsedwards and PO Anderson. The Force Investigations Division (FID) did not send PO Adamsedwards and PO Anderson's NYPD interviews to the CCRB until June 6, 2020.

This case was originally assigned to Inv. Liliana Manuel and was reassigned to Investigative Manager Diana Townsend, Investigative Manager Peter Hoy, Inv. Isaac Forman and then the undersigned Supervising Investigator.

Findings and Recommendations

Allegation (A) Force: Police Officer Keenen Adamsedwards fired his gun at § 87(2)(b)

Allegation (B) Force: Sergeant Avinash Patel pointed his gun at § 87(2)(b)

Allegation (C) Force: Police Officer Kenneth Anderson fired his gun at § 87(2)(b)

§ 87(2)(b) provided a statement to the CCRB on February 10, 2017 (Board Review 08). On the date of the incident, she went to the § 87(2)(b) with § 87(2)(b) who she dated at the time. They were accompanied by § 87(2)(b)'s twin brother, § 87(2)(b) and other friends. They all drank alcohol but were not significantly intoxicated. Following an altercation in the lounge between unknown individuals, the group left the location. The group split up and § 87(2)(b) left with § 87(2)(b). She did not know where § 87(2)(b) went. As § 87(2)(b) and § 87(2)(b) walked away (west) on Atlantic Avenue, they heard approximately 20 gunshots. § 87(2)(b) ran back toward the gunshots and upon arriving at Grand Avenue and Atlantic Avenue, she saw § 87(2)(b) lying on his back in the middle of the street. § 87(2)(b) did not initially know who shot him but subsequently learned that it was the police.

§ 87(2)(b) who is § 87(2)(b)'s friend, provided a telephone statement to the CCRB on February 23, 2017 (Board Review 43). § 87(2)(b) did not specify where he witnessed the incident from. § 87(2)(b) stated that § 87(2)(b) fired a pistol into a club and ran. Plainclothes officers responded and exited their vehicle. They yelled at § 87(2)(b) "Don't move! Don't move!" § 87(2)(b) looked back at them but did not shoot at them. The officers shot at § 87(2)(b). § 87(2)(b) believed that two officers shot at § 87(2)(b). He was unable to provide detailed descriptions of these officers, as he ducked when the officers fired their guns, and he was a little intoxicated.

§ 87(2)(b) who called 911 during the incident, provided a telephone statement on February 28, 2017 (Board Review 45). § 87(2)(b) did not know any of the individuals involved in the incident. He stated that he was on an unknown side of Grand Avenue when he heard gunshots on Atlantic Avenue. He walked towards Atlantic Avenue and saw § 87(2)(b) running towards Milk River Lounge. Plainclothes officers approached and § 87(2)(b) turned his gun and fired at the officers. The officers then returned fire at § 87(2)(b). § 87(2)(b) ducked and did not see the rest of the incident.

§ 87(2)(b) who is § 87(2)(b)'s friend, provided a phone statement to the CCRB on January 30, 2017 (Board Review 28). § 87(2)(b) was in the § 87(2)(b) with § 87(2)(b) and § 87(2)(b) prior to the shooting and left with § 87(2)(b). § 87(2)(b) stated that she was with § 87(2)(b) when she saw three plainclothes officers get out of an unmarked, tan vehicle. She did not specify where she stood. She saw § 87(2)(b) running from the officers and they fired their guns at his back. § 87(2)(b) did not see what occurred before the officers exited their vehicle.

§ 87(2)(b) provided a telephone statement on February 15, 2017 (Board Review 44). § 87(2)(b) was friends with § 87(2)(b). § 87(2)(b) stated that she heard gunshots and saw plainclothes officers shooting at § 87(2)(b). She did not specify where she was at the time. § 87(2)(b) who also called 911, provided a telephone statement to the CCRB on March 10, 2017. She stated that she heard gunshots and immediately called 911 but did not actually witness the shootings (Board Review 46). § 87(2)(b) provided a telephone statement to the CCRB on February 21, 2017 (Board Review 42). She stated that she heard 15 gunshots while she was in a store one block away but did not witness the shooting.

Atlantic Avenue runs east-west, and is a divided highway with three driving lanes in each direction, along with one lane of parking on each side. The § 87(2)(b) is located at § 87(2)(b).

Atlantic Avenue is the dividing line between the 88th Precinct (to the north) and the 77th Precinct (to the south) at Grand Avenue. One block to the east of Grand Avenue is the 79th Precinct (on the north side of Atlantic Avenue), and two blocks to the west of Grand Avenue (on the south side of Atlantic Avenue) is the 78th Precinct (Board Review 47).

Surveillance footage from Best Burger Palace located at 986 Atlantic Avenue (on the southeast corner of Atlantic Avenue and Grand Avenue) and Milk River Lounge at 960 Atlantic Avenue (on the south side of Atlantic Avenue between Washington Avenue and Grand Avenue), captured § 87(2)(b) as well as the arrival of and response of the officers. Best Burger Palace had a camera pointed east toward § 87(2)(b) and another pointed west towards the corner of Grand Avenue and Atlantic Avenue. Milk River Lounge had a camera that pointed northeast and captured the full width of Atlantic Avenue (Board Review 30).

The 36 second video from Best Burger Palace that points west depicts § 87(2)(b) in his approach to the club, at 00:10 of the video player, pull a black item out of his waistband (Board Review 03). The 26 second video from Best Burger Palace that points east captures § 87(2)(b) and turn back and first walk, then run westbound and point his gun in front of him (Board Review 06). The video from Best Burger Palace that points west (Board Review 03) shows at 00:20, an unmarked sedan, travelling eastbound on Atlantic Avenue, turn south onto Grand Avenue. The vehicle stops at the crosswalk after making the right turn and PO Adamsedwards, who is wearing dark clothing and a light-colored vest, exits the driver's door while Sgt. Patel exits the front passenger's side. PO Adamsedwards unholsters his gun and steps towards the southeast corner curb. § 87(2)(b) wearing a light-colored hoodie, comes into frame and side steps onto Atlantic Avenue and starts to run northbound across Atlantic Avenue. At 00:31, § 87(2)(b) turns his body left, reaches across his chest with his right arm and points his gun at PO Adamsedwards. Per the visible muzzle flashes, PO Adamsedwards fires three times. A muzzle flash could be seen from PO Adamsedwards' gun at 00:31 (Screenshot 1, Board Review 40). § 87(2)(b) continues running as he points his gun at PO Adamsedwards for approximately three seconds. The second muzzle flash (Screenshot 2, Board Review 40) occurs at 00:32 when § 87(2)(b)'s left side is facing PO Adamsedwards. His right arm is not visible as it is obscured by his torso. § 87(2)(b) drops his arms and runs across most of Atlantic Avenue; his right arm is visible as he uses it to run. PO Adamsedwards follows in kind, dropping his arms (no longer pointing his gun) and runs after § 87(2)(b) § 87(2)(b).

§ 87(2)(b) turns left, as he nears the north side of Atlantic Avenue, glances back at PO Adamsedwards at 00:33 and runs towards a gas station on the Northwest corner of Atlantic Avenue and Grand Avenue while keeping his body slightly twisted to the left and right arm obscured by his torso. A third muzzle flash is seen at the 00:33 (Screenshot 3, Board Review 40). PO Adamsedwards points his gun at § 87(2)(b) as § 87(2)(b) turns to the left and glances back at PO Adamsedwards, and fires a fourth time at 00:34 (Screenshot 4, Board Review 40). Sgt. Patel, who is wearing a light-colored hooded sweater appears in the camera at 00:33, running behind PO Adamsedwards. As PO Adamsedwards reaches the middle divider of Atlantic Avenue, Sgt. Patel is still near the rear of the police vehicle. PO Anderson exits the rear passenger's side of the vehicle, runs towards Atlantic Avenue but turns back towards the police vehicle as the vehicle continues rolling forward. The video from Best Burger Palace stops at this point. A zoomed in video from the Milk River Lounge (Board Review 39) shows § 87(2)(b) run across Atlantic Avenue, hooking to the left in front of the gas station, and then turning left again to run southbound back across Atlantic Avenue. PO Anderson is seen running northwest and catching up as § 87(2)(b) heads south toward him, and coming face to face with § 87(2)(b). At 00:26, as § 87(2)(b) steps onto the median, he twists his body left, lifts his right arm in front of his body, and points his gun at PO Anderson while PO Adamsedwards and Sgt. Patel are behind him (Screenshot at Board Review 41; the movement is also captured using the frame advance function in the video). § 87(2)(b) then falls to the ground. Muzzle flashes are not visible in the video from Milk River Lounge. Up until the point where § 87(2)(b) falls to the ground, he makes no clearly detectable movement indicating that he was struck.

PO Adamsedwards testified during his FID interview that he fired all 16 bullets from his service weapon. He realized that he ran out of bullets when the slide lock on his weapon activated. PO Anderson testified in his FID interview that he only fired two bullets. Sgt. Patel confirmed this information during his CCRB interview and added that he counted the rounds himself and secured the officers' weapons. There were no shell casings from § 87(2)(b)'s revolver because that type of gun holds the shell casings within the gun's cylinder. FID did not provide any confirmatory documentation from Evidence Collection indicating the number of shots fired or which officer's bullets struck § 87(2)(b). They provided a 55-page casefile without police documents (Board Review 48).

According to the autopsy report (Board Review 12), § 87(2)(b) sustained five gunshot wounds. Two gunshot wounds were on the right upper back, traveling back to front and slightly upward. One gunshot wound was on the right infrascapular region, traveling back to front, from left to right and upward. Another was on the left side of the chest, traveling from back to front, left to right and upward. There was a graze gunshot wound to the left elbow and a gunshot wound to the right knee. The toxicology report notes a Blood Alcohol Content of .06, as well as Alprazolam (controlled substance for anxiety and panic disorder), and Cannabinoids in his blood and urine.

Sgt. Patel was interviewed at the CCRB on February 19, 2020 (Board Review 09). According to Sgt. Patel, he, PO Adamsedwards and PO Anderson were patrolling an area with several nightclubs in an unmarked sedan. Sgt. Patel sat in the front passenger seat, PO Anderson sat in the rear passenger seat and PO Adamsedwards was the driver. They did not receive any calls. PO Adamsedwards drove east on Atlantic Avenue and turned south onto Grand Avenue. As PO Adamsedwards turned onto Grand Avenue, Sgt. Patel witnessed § 87(2)(b) who was standing by himself, § 87(2)(b). Sgt. Patel's view was unobstructed, and the area was lit with streetlamps.

PO Adamsedwards, PO Anderson and Sgt. Patel exited their vehicle and drew their firearms. Sgt. Patel identified himself as police and at least one other officer did so but he did not recall which. Sgt. Patel yelled, “Don’t move” at § 87(2)(b) two or three times but he did not comply. Sgt. Patel did not recall if his partners issued any commands. § 87(2)(b) ran across the divider of Atlantic Avenue in a serpentine or zig-zag motion. As § 87(2)(b) ran, he turned back and pointed his gun at the three officers multiple times but did not fire. PO Adamsedwards and PO Anderson fired their service weapons at § 87(2)(b). Sgt. Patel pointed his gun at § 87(2)(b) but did not fire his weapon because he did not have a clear shot. Sgt. Patel kept hearing shots firing from his left ear and decided that he would not fire unless his partners ran out of ammunition. Sgt. Patel stated that he pointed his gun at § 87(2)(b) because he had just seen him fire into the lounge and believed him to be a threat.

§ 87(2)(b) eventually dropped to the ground on the eastbound lane of Atlantic Avenue, in front of 972 Atlantic Avenue. § 87(2)(b)’s gun was on the ground approximately three to four feet away from him but Sgt. Patel did not see how it came to be in that location. Either PO Adamsedwards or PO Anderson handcuffed § 87(2)(b). Sgt. Patel requested EMS and additional units via radio, PO Adamsedwards performed CPR on § 87(2)(b) and PO Anderson secured the firearm by standing over it. It was at this point that Sgt. Patel looked at the gun and determined it was a revolver. Sgt. Patel could not recall what the revolver looked like, at the time of the interview. The revolver remained in the same spot until crime scene arrived.

PO Adamsedwards was interviewed by Lt. Joel Rosenthal of the Force Investigations Division on February 27, 2019 (Board Review 10). PO Adamsedwards stated in his FID interview that he saw § 87(2)(b). § 87(2)(b) PO Adamsedwards exited his vehicle, unholstered his firearm and verbally identified himself as a police officer from 7-10 feet away. § 87(2)(b) turned and pointed his weapon at PO Adamsedwards while he identified himself as a police officer. PO Adamsedwards discharged his firearm. PO Adamsedwards stated that § 87(2)(b) turned and pointed his gun at the officers multiple times and each time he did so, PO Adamsedwards fired his weapon at him.

PO Anderson was interviewed by FID on the same day as PO Adamsedwards (Board Review 11). PO Anderson’s statement was generally consistent with Sgt. Patel and PO Adamsedwards with some exceptions. PO Anderson stated that after § 87(2)(b) took off running, PO Adamsedwards fired his weapon at him each time he turned around and pointed his gun at PO Adamsedwards. PO Anderson split off from PO Adamsedwards and Sgt. Patel to avoid the three of them being one large target. § 87(2)(b) eventually turned and ran towards PO Anderson and pointed his gun at PO Anderson with one hand. PO Anderson stopped running, held his gun with two hands, aimed down the sights of the gun and fired two quick rounds at § 87(2)(b) who was approximately 10 feet away. There were no further shots from PO Adamsedwards after PO Anderson’s two shots.

Property vouchers for § 87(2)(b)’s weapon (Board Review 13) show that it was a black, .38 Caliber Smith & Wesson six-shot Revolver. Two live cartridges were recovered and three .38 Special discharged shell casings.

Patrol Guide Procedure 221-01 states that “the use of deadly physical force against a person can only be used to protect members of service and/or the public from imminent serious physical injury or death.”

Additionally, “The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present” (Board Review 14).

New York Penal Law 35.30 states that a police officer may use deadly force against someone when the offense committed or attempted by such person was a felony and that, in the course of resisting arrest or attempting to escape from custody, such person is armed with a firearm or deadly weapon. Officers may also use deadly force when they reasonably believe that the use of deadly physical force is necessary to defend an officer or another person from what the officer believes to be the use or imminent use of deadly force (Board Review 15).

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Discourtesy: Sergeant Avinash Patel spoke discourteously to § 87(2)(b)
Allegation (E) Force: Sergeant Avinash Patel used physical force against § 87(2)(b)
Allegation (F) Discourtesy: Officers spoke discourteously to individuals.
Allegation (G) Discourtesy: Police Officer Loreal Quiles spoke discourteously to individuals.
Allegation (H) Discourtesy: Police Officer Loreal Quiles spoke discourteously to individuals.
Allegation (I) Offensive Language: Police Officer Loreal Quiles made remarks to individuals based upon the gender of individuals.

§ 87(2)(b) stated that when she arrived at Grand Avenue and saw § 87(2)(b) lying in the street, she tried to approach § 87(2)(b). Sgt. Patel told her to back up. Before she got a chance to back up, he took his badge out and stated, “you see who the fuck I am? Just back the fuck up.” and “How about you back the fuck up like I fucking said?” and he pushed § 87(2)(b). She also stated that § 87(2)(b) tried to approach and got very close to § 87(2)(b). § 87(2)(b) stated that as more uniformed officers arrived and civilians tried to approach, PO Quiles and officers, who she could not

describe, told several people crowding around to “back the fuck up.” § 87(2)(b) alleged that several officers used profanities, but she could not specify which. PO Quiles also made comments like “So fucking what?” and “Calm the fuck down.” and specifically called the civilians in the crowd, “bitches.”

§ 87(2)(b) initially did not bring up these allegations during his interview and denied seeing § 87(2)(b) on scene. Inv. Manuel specifically asked § 87(2)(b) if an officer stated to § 87(2)(b) “You see who the fuck I am? Just back the fuck up” and he stated that an officer said it to § 87(2)(b) prior to § 87(2)(b) recording § 87(2)(b) s arrest on her cellphone. He stated that the officer walked towards her and it prompted § 87(2)(b) to stop recording. He did not describe the officer. § 87(2)(b) also stated that he recalled PO Quiles cursing once he was asked by the interviewing investigator if he heard any officers cursing. He was asked if any female officers cursed or used certain words against individuals present and he stated that he did not know because he was not paying attention. When specifically asked if a female officer called women, “bitches” he later replied that he believed a female officer “may” have stated it to § 87(2)(b) but did not know if it was said to anyone else.

§ 87(2)(b) stated that she knew § 87(2)(b) was on scene but did not interact with her. None of the witnesses that provided telephone statements mentioned any allegations involving § 87(2)(b) the 911 callers, § 87(2)(b) and § 87(2)(b) stated that individuals approached § 87(2)(b) after he fell to the ground. § 87(2)(b) specifically mentioned that she ran in and tried to grab § 87(2)(b) s leg multiple times. § 87(2)(b) described the scene by saying that a lot was going on simultaneously and everyone was all over and tripping over each other. § 87(2)(b) stated that a crowd of individuals tried to “attack” the officers by pushing forward towards the body of § 87(2)(b) as officers held them back. None of the individuals who provided telephone statements, including § 87(2)(b) mentioned PO Quiles cursing or using offensive language towards anyone.

Sgt. Patel stated that although there was no crime scene tape set up, the immediate area was considered a crime scene. Sgt. Patel ran to the § 87(2)(b) to check if anybody was hurt. Once he confirmed that nobody was injured, he ran back to the scene and saw multiple uniformed officers from multiple commands. Sgt. Patel recalled a black female, under 30 years old, attempted to enter the crime scene and he told her twice to get back on the median that separates Atlantic Avenue. The female attempted several times to approach § 87(2)(b) s body and the revolver. An unknown officer handcuffed her and Sgt. Patel did not know what happened with her. He did not recall pushing the female and denied cursing at her. He specifically denied using the word, “fuck” when telling her to back up or otherwise speaking to her. Sgt. Patel was shown a photo of § 87(2)(b) during the interview and he stated that he did not recognize her as being the female on scene but later specified that he did not recall what the female looked like. Sgt. Patel also stated that he did not hear any female officers cursing at the crowd or calling anyone “bitches.”

PO Adamsedwards stated to FID that he saw the family of § 87(2)(b) rush towards the scene but did not go into further detail. PO Adamsedwards assumed it was family due to their emotional state when screaming and one individual screamed, “That’s my brother.”

PO Anderson stated to FID that a group of individuals approached the scene. He believed that one was

§ 87(2)(b) s twin brother § 87(2)(b) and believed the second individual was possibly his sister. At the time, Sgt. Patel was putting transmissions over the radio. He later stated that most of the individuals trying to enter the scene were held back by Sgt. Patel on the north side of Atlantic Avenue but did not get into specifics.

PO Quiles was interviewed at the CCRB on February 14, 2020 (Board Review 16) and stated that she arrived at the location and saw § 87(2)(b) on the floor as uniformed officers performed CPR on him. PO Quiles described a large crowd of 15 civilians walking towards the body of § 87(2)(b) and into the crime scene. PO Quiles and her partner, PO Jaynel Bassett performed crowd control. PO Quiles issued commands for the civilians to step back and let the officers conduct their investigation. PO Quiles stood approximately 20 feet away from the body and stood outside of the crime scene tape. The crowd continually attempted to cross the tape, especially one female who claimed that she wanted to get her purse. Her purse was on the floor, inside of the crime scene area. PO Quiles did not recall using any profanities towards anyone in the crowd as she issued instructions to stay back and did not recall calling anyone a “bitch.”

The surveillance video from Milk River Lounge (Board Review 30) showed three unidentified individuals approach the scene right after § 87(2)(b) fell to the ground. At 03:20:50 of the video, several people are seen running toward the shooting from the west, but NYPD turret lights obscured any interaction that occurred.

NYPD Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to ensure the safety of a member of service or of a third person (Board Review 14). NYPD Patrol Guide Procedure 203-09 states that police officers must be courteous and respectful (Board Review 31). NYPD Patrol Guide Procedure 203-10 states that discourteous or disrespectful remarks regarding another person’s ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability are prohibited (Board Review 33).

In DAO-DCT case number 2015-15012, it was held that officers may use profanities in the context of a dynamic situation over which he or she is attempting to gain control (Board Review 32).

New York Penal Law 195.05 states that a person is guilty of obstructing governmental administration when they intentionally obstruct, impair or pervert the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function by means of interfering (Board Review 33).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (J) Force: An officer pointed his gun at § 87(2)(b)

According to § 87(2)(b) she arrived at the scene and saw § 87(2)(b) handcuffed and standing approximately five feet away from § 87(2)(b) but did not approach § 87(2)(b). A white male officer in uniform pointed his gun at § 87(2)(b) and held it approximately six inches from her face. He told her to sit down.

§ 87(2)(b) stated in a phone call (Board Review 28) that after the shooting, she ran towards § 87(2)(b). An officer that she described as an Indian male with plain clothes pointed his gun at her and told her to back up and sit down. She did not describe being in handcuffs. § 87(2)(b) did not provide a sworn statement to the CCRB.

§ 87(2)(b) corroborated in her telephone statement that an officer pointed his gun at § 87(2)(b)'s face but could not recall which officer did so and was unable to provide any description of the officer.

§ 87(2)(b) did not bring up the allegations during his interview and stated that when he arrived, § 87(2)(b) was sitting on the curb.

As previously mentioned, after coming back from the § 87(2)(b) Sgt. Patel only recalled one female trying to enter the crime scene. He did not mention any other females coming in. He stated that no officers drew their weapons after the shooting concluded.

As previously addressed in Allegations D-I, surveillance video did not capture this portion of the incident.

§ 87(2)(b) described a white male officer, in uniform pointing his gun at § 87(2)(b) and was specific in her details about the gun placement. However, § 87(2)(b) provided a description that one can assume is Sgt. Patel as she stated it was an "Indian male." § 87(2)(b) did not provide a sworn statement to the CCRB and as a result the investigation could not obtain clarifying details. Additionally, Sgt. Patel stated that no officer drew their weapons after the shooting concluded.

§ 87(2)(g)

Allegation (K) Force: Officers used physical force against § 87(2)(b)

Allegation (L) Force: Officers struck § 87(2)(b) with a baton.

Allegation (M) Force: Police Officer Larry Malcolm restricted § 87(2)(b) s breathing.

Allegation (N) Force: Police Officer Matthew Russo used physical force against § 87(2)(b)

In § 87(2)(b) s statement she mentioned that officers held § 87(2)(b) back from approaching § 87(2)(b) s body. He was eventually brought to the ground but § 87(2)(b) did not specify how he got there. Once on the ground, PO Malcolm placed his knee on § 87(2)(b) s back and PO Russo then slapped and punched § 87(2)(b) s face approximately three times after he was handcuffed. § 87(2)(b) did not provide context to PO Russo walking up and slapping and punching § 87(2)(b). § 87(2)(b) did not see any officer use his baton on § 87(2)(b).

§ 87(2)(b) stated that he ran towards § 87(2)(b) and officers grabbed him and brought him to the ground. Once he was on the ground, he was punched, at least ten times in the face, arms and ribs. He stated that there was a mix of uniformed and plain clothed officers and he could not describe any of the officers that did these actions. He stated the he also was struck with batons while on the ground, though later described them as pokes. He could not recall how many times officers poked him and could not describe the officers. PO Malcolm then held his knee on § 87(2)(b) s back and he complained that he could not breathe. PO Malcolm left his knee on § 87(2)(b) s back. PO Russo then punched § 87(2)(b) in the face several times. § 87(2)(b) did not go to the hospital as a result. § 87(2)(b) provided photos to the CCRB (Board Review 33 and 34) stating that they depicted his injuries, however he did not explain what the injuries were. The photos show red marks around his face, including under both of his eyes.

§ 87(2)(b) who called 911, saw § 87(2)(b) repeatedly approach § 87(2)(b) s body. Officers pushed him against a nearby police vehicle and handcuffed him and told him to calm down. She stated that she did not see officers use any force against § 87(2)(b) or any other civilians.

§ 87(2)(b) and § 87(2)(b) did not mention any force used against § 87(2)(b). § 87(2)(b) stated that an officer had his knee on § 87(2)(b) s back but did not see officers use other force against him.

PO Malcolm provided a statement to the CCRB on October 9, 2020, three years after the event (Board Review 49). He stated that he arrived and saw unknown uniformed officers attempting to handcuff § 87(2)(b) but he did not know who he was or what his involvement was in the shooting. He grabbed § 87(2)(b) s arms to assist the unknown officers in handcuffing him. PO Malcolm denied placing his knee on § 87(2)(b) s back and did not hear § 87(2)(b) complain that he could not breathe. He did not recall § 87(2)(b) ever being on the floor and denied that he or any other officer struck § 87(2)(b). PO Malcolm denied that any officer took out their batons during this incident.

PO Russo provided a statement to the CCRB on March 6, 2020 (Board Review 50) and stated that he saw § 87(2)(b) approximately 10-15 feet from where § 87(2)(b) lay. He wrestled with unknown uniformed police officers and eventually pushed one of the officers to the ground. PO Russo stepped between § 87(2)(b) and the officer and assisted in detaining § 87(2)(b). PO Russo held § 87(2)(b) against a nearby vehicle and tried to calm him down. He did not recall any officers punching or kicking § 87(2)(b) and he did not do so himself. He did not recall if § 87(2)(b) was ever on the ground and did not recall if any officer had his knee on § 87(2)(b)'s back. He did not recall if § 87(2)(b) ever complained that he could not breathe. Russo did not recall if any officers had their batons out.

The 15 second cell phone video recorded and provided by § 87(2)(b) (Board Review 07) shows § 87(2)(b) against a police vehicle. PO Malcolm had him by the elbow while PO Russo held § 87(2)(b) against the vehicle. The video did not show § 87(2)(b) on the ground or any officers striking him.

There were no AIDED or TRI/ISAR reports related to § 87(2)(b) and his alleged injuries (Board Review 51).

NYPD Patrol Guide Procedure 221-01 states that officers may use force when it is reasonable to ensure the safety of a member of service or of a third person (Board Review 14).

Sgt. Patel recalled § 87(2)(b) being on scene but did not see what happened with him. Later in the interview he stated that he actually did not recall if § 87(2)(b) was present because his memory was mixed due to the length of time that had passed between the incident and his CCRB interview.

Neither PO Adamsedwards nor PO Anderson provided any statements about § 87(2)(b) during their FID interviews.

PO Malcolm denied that any officer took out their batons and denied having his knee on § 87(2)(b)'s back. PO Russo did not see any officers strike § 87(2)(b) and did not recall any officers having their batons out. The video provided by § 87(2)(b) did not show § 87(2)(b) having any injuries consistent with the level of force he alleged, and no police documents exist that document any injuries.

§ 87(2)(g)
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Allegation (O) Abuse of Authority: Police Officer Matthew Russo threatened individuals with the use of force.

§ 87(2)(b) stated that after striking § 87(2)(b) PO Russo took out his baton and swung it at nearby civilians to keep them from approaching. She did not identify any of the civilians. § 87(2)(b) did not mention this in his interview.

§ 87(2)(b) and § 87(2)(b) stated that officers swung their batons at civilians as they tried to approach the scene.

§ 87(2)(b) who saw the incident from a window close to where § 87(2)(b) fell to the ground stated that she did not see any officers use physical force against civilians and did not see officers with batons out. § 87(2)(b) who stood on the corner of Grand Avenue and Atlantic Avenue, stated that the officers did not use any force against civilians in the crowd but did not mention batons.

PO Russo did not recall taking out his baton or swinging it and did not see any other officers do so. Sgt. Patel, PO Malcolm and PO Quiles did not see any officers take out their batons and swing them at the crowd.

§ 87(2)(g)

Allegation (P) Force: Officers struck § 87(2)(b) with a baton.

§ 87(2)(b) stated that an individual named § 87(2)(b) witnessed him being struck by officers. As a result, § 87(2)(b) fainted. § 87(2)(b) alleged that officers, whom he did not describe, swung their batons at § 87(2)(b) as he fainted or was already unconscious but were unsuccessful at striking him.

The CCRB was unable to get in touch with § 87(2)(b). Therefore, § 87(2)(b) did not provide any statements to the CCRB. No other civilians alleged that officers swung batons at § 87(2)(b) and there is no video capturing this specific allegation.

§ 87(2)(g)

Allegation (Q) Discourtesy: Officers spoke discourteously to § 87(2)(b)

After § 87(2)(b) was handcuffed, but before he was placed into a police vehicle, he screamed about his brother. Nearby officers on scene told § 87(2)(b) to “shut the fuck up” and that “he’s already dead.” He was unsure if they had any involvement in the incident with § 87(2)(b). § 87(2)(b) was unsure of these officers’ involvement at the scene and he did not mention them being any of the officers he previously described. Additionally, neither § 87(2)(b) nor any other witness made this allegation in their statements.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 17).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 18).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 19).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 20).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 35)
- § 87(2)(b) has been party to one prior CCRB complaint and has been named as a victim in three allegations (Board Review 36):
 - § 87(2)(b)
- PO Kenneth Anderson has been a member of service for nine years and has been a subject in two other CCRB complaints and two allegations, neither of which was substantiated. § 87(2)(g)
- PO Keenan Adamsedwards has been a member of service for seven years and has been a subject in two other CCRB complaints and six allegations, of which one was substantiated.:
 - 201604671 involved a substantiated allegation of a frisk against PO Adamsedwards. The Board recommended Formalized Training and the NYPD agreed.
 - § 87(2)(g)
- PO Loreal Quiles has been a member of service for five years and this is the first CCRB complaint to which she has been a subject.
- PO Larry Malcolm has been a member of service for eight years and this is the first CCRB complaint to which he has been a subject.
- PO Matthew Russo has been a member of service for 10 years and has been a subject in three other CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.

- § 87(2)(b)

§ 87(2)(b)

Investigator:	<u>Harold Rodriguez</u> Signature	<u>SI Harold Rodriguez</u> Print Title & Name	<u>12/09/2020</u> Date
Squad Leader:	<u>Mgr. Joy Almeyda</u> Signature	_____ Print Title & Name	<u>12.14.20</u> Date
Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date